

GREELEY-WOLBACH PUBLIC SCHOOLS

Gene A. Haddix, Superintendent
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P.O. Box 160
Greeley, NE 68842

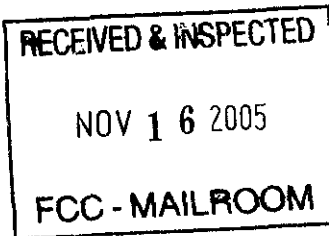
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Todd Beck, Principal
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11/07/2005

Request for Review
Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554



RE: Request for Review
CC Docket No. 02-6
Contact: Gene Haddix
Greeley Public School District
203 N. Kildare St.
Greeley, NE 68842
ghaddix@esu10.org

Applicant Name: Greeley Public School District
Billed Entity Number: 138773
Form 471 Application Number: 420638
Funding Request Number: 1159354
Funding Year: 2004
SPIN: 143005231
Service Provider Name: Qwest Corporation

The following is an appeal related to the Schools and Libraries Division (SLD) Funding Commitment Adjustment Letter dated: October 18, 2005.

The SLD has rescinded in full the funding commitment for FRN #1159354, denying total funding to the aforementioned funding request and the request (October 19, 2005) for repayment of \$6,240.78.

We are requesting a review of the denial of appeal decision by the SLD in regard to the Notification of Commitment Adjustment Letter dated October 18, 2005, in which the above listed FRN has been denied total funding due to the following funding commitment decisions explanation:

"...it has been determined that this funding commitment must be rescinded in full. During the course of a review it was determined that service provider contact information appeared on the cited Form 470. The cited Form 470 Number: 757740000110121 was filed by Education service

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A handwritten mark, possibly a signature or initials, in dark ink.

Unit No. 10, and the contact person listed is Alan Wibbels. Alan Wibbels is also the registered contact person for the service provider Educational Service Unit. No. 10. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process, and to conduct a fair and open process. If the applicant has posted a Form 470 that contains contact information for a service provider that participates in the competitive bidding process, the applicant has violated this requirement and FCC rules consider this Form 470 to be tainted. All Funding Requests that relate to this Form 470 are required to be denied because the Form 470 is tainted."

The SLD has denied total funding to the above listed funding request due to what they considered a "tainted" Form 470 because of "service provider participation in the competitive bidding process."

The denial due to "service provider contact information appeared on the cited Form 470" is invalid as:

- Qwest Corporation is the service provider for the telecommunications services that were ordered and Educational Service Unit 10 is not the service provider for these services.
- Alan Wibbels is not or has never been connected with Qwest Corporation or involved with Qwest in the bidding process for these services.

In regards to the information in the Commitment Adjustment letter stating that Alan Wibbels "is the registered contact person for the service provider Educational Service Unit No. 10."

According to The SLD Guide to Service Provider Participation in the E-Rate (<http://www.sl.universalservice.org/vendor/manual/chapter5.asp>) it specifically states that the Form 470 is only invalid *if* the services sought on the Form 470 include the type of services furnished by the Service Provider.

Contact on 470

It should be noted that the presence of a representative or employee of a Service Provider as the contact on the Form 470, or any contact information associated with a service provider on the Form 470, renders that Form 470 invalid, **if the services sought on the Form 470 include the type of services which the Service Provider furnishes.**

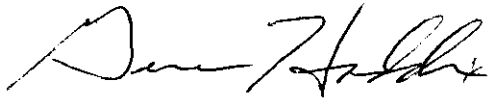
If, on the other hand, the Form 470 which listed as a contact a representative or employee of a Service Provider which furnishes Internal Connections sought only telecommunications services, that Form 470 would be considered valid (to the extent everything else about that Form 470 complied with Program rules).

According to the original Service Provider Information Form, Educational Service Unit 10 applied as an NTP – Non Traditional Provider. The Form 498 instructions (http://www.universalservice.org/download/pdf/Proposed_Form_498_Instructions.pdf) define a Non-traditional provider as a company that does not provide telecommunications services.

In our defense of such claims as were stated in the Commitment Adjustment Letter, we can assert that no conduct prohibited by SLD on the applicant's part in all rules and regulation set forth by the SLD has transpired.

Therefore we request that this decision be reversed and funding be committed to the applicants as they so deserve.

Respectfully,

A handwritten signature in black ink, appearing to read "Gene Haddix", with a stylized flourish at the end.

Gene Haddix
Superintendent of Schools